



POLICE DEPARTMENT

In the Matter of the Disciplinary Proceedings : -----x

- against - : FINAL

Police Officer James Yue : ORDER

Tax Registry No. 942736 : OF

Manhattan Court Section : DISMISSAL

-----x

Police Officer James Yue, Tax Registry No. 942736, Shield No. 17068, Social Security No. ending in [REDACTED] having been served with written notice, has been tried on written Charges and Specifications numbered 2015-14866, as set forth on form P.D. 468-121, dated December 30, 2015, and after a review of the entire record, has been found Guilty.

Now therefore, pursuant to the powers vested in me by Section 14-115 of the Administrative Code of the City of New York, I hereby DISMISS Police Officer James Yue from the Police Service of the City of New York.



JAMES P. O'NEILL  
POLICE COMMISSIONER

EFFECTIVE: 3/21/19



POLICE DEPARTMENT

January 23, 2019

In the Matter of the Charges and Specifications

- against -

Police Officer James Yue	Case No.
Tax Registry No. 942736	2015-14866
Manhattan Court Section	
Police Officer Benhoo Wong	Case No.
Tax Registry No. 949807	2016-16075
Housing Borough Manhattan	

At:                   Police Headquarters  
                        One Police Plaza  
                        New York, New York 10038

Before:              Honorable Paul M. Gamble  
                        Assistant Deputy Commissioner Trials

APPEARANCES:

For the Department:     Beth Douglas, Esq.  
                                 Department Advocate's Office  
                                 One Police Plaza  
                                 New York, NY 10038

For the Respondents:    John Tynan, Esq.  
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To:

HONORABLE JAMES P. O'NEILL  
POLICE COMMISSIONER  
ONE POLICE PLAZA  
NEW YORK, NEW YORK 10038

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## **CHARGES AND SPECIFICATIONS**

Disciplinary Case No. 2015-14866

1. Said Police Officer James Yue, while assigned to the 109<sup>th</sup> Precinct, on or about and between August 30, 2014 and December 2, 2015, did knowingly associate with Person Z, a person reasonably believed to be engaged in, likely to engage in or to have engaged in criminal activities.

P.G. 203-10, Page 1, Paragraph 2 GENERAL REGULATIONS

2. Said Police Officer James Yue, while assigned to the 109<sup>th</sup> Precinct, while on-duty, on or about August 30, 2014, upon becoming aware of corruption or other misconduct involving a Member of the Service, said Police Officer failed to notify the Department.

P.G. 207-21, Pages 1-2

**ALLEGATIONS OF CORRUPTION AND  
OTHER MISCONDUCT AGAINST  
MEMBERS OF SERVICE**

Disciplinary Case No. 2016-16075

1. Said Police Officer Benhoo Wong, while assigned to the 109<sup>th</sup> Precinct, while on-duty, on or about August 6, 2015, within the confines of the 109<sup>th</sup> Precinct, located in Queens County, did wrongfully cause false entries to be made in Department records, to wit: said Police Officer knowingly prepared a summons and included an incorrect wrong address.

P.G. 203-05, Page 1, Paragraph 4      PERFORMANCE ON DUTY –  
PROHIBITED CONDUCT

2. Said Police Officer Benhoo Wong, while assigned to the 109<sup>th</sup> Precinct, while on-duty, on or about August 6, 2015, within the confines of the 109<sup>th</sup> Precinct, upon becoming aware of corruption or other misconduct involving a Member of the Service, said Police Officer failed to notify the Department.

P.G. 207-21, Pages 1-2

**ALLEGATIONS OF CORRUPTION AND  
OTHER MISCONDUCT AGAINST  
MEMBERS OF SERVICE**

3. Said Police Officer Benhoo Wong, while assigned to the 109<sup>th</sup> Precinct, while on-duty, on or about June 17, 2015, within the confines of the 109<sup>th</sup> Precinct, did wrongfully utilize the Department computer to make an inquiry unrelated to the official business of the New York City Police Department.

P.G. 219-14, Page 1, Paragraph 2 DEPARTMENT COMPUTER SYSTEMS

## **REPORT AND RECOMMENDATION**

The above-named members of the Department appeared before me on October 10 and October 26, 2018. Respondents, through their counsel, entered pleas of Not Guilty to the subject charges. The Department called Sergeant Darrell Owens and Sergeant Steven Lee. Respondents testified on their own behalf. A stenographic transcript of the record has been prepared and is available for the Police Commissioner's review. After considering the evidence, I find Respondent Yue Guilty of Specifications 1 and 2 in Disciplinary Case No. 2015-14866. I find Respondent Wong Not Guilty of Specifications 1 and 2 in Disciplinary Case No. 2016-16075; I find him Guilty of Specification 3. I recommend that Respondent Yue be DISMISSED from this Department and I recommend that Respondent Wong forfeit 30 suspension days and be placed on one year dismissal probation.

## **SUMMARY OF EVIDENCE**

The following is a summary of the facts which are not in dispute. The disciplinary cases in this matter are related to a 2014 Internal Affairs Bureau ("IAB") investigation into the acceptance of bribes by Members of Service from karaoke clubs in Queens in exchange for advance warning of police inspections (T. 21). During the course of the investigation, certain karaoke clubs within the 109<sup>th</sup> Precinct were targeted for enforcement action in order to determine which clubs were receiving protection. In December 2015, as a result of that investigation, former Lieutenant Robert Sung and former Detective Yatyu Yam were arrested (T. 27).

The specifications concerning Respondents in these cases stem from misconduct which is alleged to have occurred between August 30, 2014, and December 2, 2015, and focuses on three specific dates: August 30, 2014; June 17, 2015; and August 6, 2015.

In August 2014, Sergeant Steven Lee was the Conditions sergeant in the 109<sup>th</sup> Precinct and was under the direct supervision of Sung, the Special Operations Lieutenant (T. 101, 114). Around that time, Sung told Sergeant Lee that he was planning to bring a false rape allegation against Deputy Inspector Thomas Conforti, the Commanding Officer of the 109<sup>th</sup> Precinct (T. 22, 102-104). According to Sergeant Lee, Sung was upset because Deputy Inspector Conforti's enforcement strategy brought too much attention to karaoke clubs within the precinct from which Sung received bribes (T. 22, 106).

Sergeant Lee reported this conversation to Deputy Inspector Conforti, who reported it to IAB (T. 103). Sergeant Lee then met with Sergeant Owens and Lieutenant Seeger from IAB, who asked him whether he would be willing to try to get Sung to discuss the false rape charge and record it surreptitiously (T. 104-105). IAB informed Sergeant Lee that they had already commenced an investigation into Sung being bribed by a Queens karaoke club operator, Person Z (T. 106). Sergeant Lee agreed to use covert recording devices in an attempt to collect evidence of Sung's allegedly corrupt activity (T. 22-23, 69). During the course of his participation in the investigation, Sergeant Lee recorded at least one hundred hours of audio (T. 69, 143).

On August 30, 2014, at the direction of former lieutenant Sung, Sergeant Lee and his Conditions team conducted a State Liquor Authority ("SLA") inspection of JJNY Café ("JJNY"), a karaoke club located at 147-36 Northern Boulevard in Flushing (T. 23). During the inspection, Sergeant Lee observed a group of patrons who were using ketamine (*Id.*). Those patrons were handcuffed and placed under arrest by members of the Conditions team (*Id.*).

POLICE OFFICER JAMES YUEPOLICE OFFICER BENHOO WONG

Sometime thereafter, while he was still on the premises, Sergeant Lee received a phone call from former detective Yam informing him that he could not make arrests at JJNY because it was a club that Sung frequented (T. 24). Sergeant Lee then directed members of his team to release the prisoners (T. 23). Further investigation revealed that the owner of JJNY was Person Z (T. 24).

Following this inspection, Sergeant Lee made a monitored call to Sung and expressed frustration that narcotics were found inside JJNY, as it was his understanding that during the inspection no drugs would be found (T. 24-25). Sergeant Lee further expressed frustration that members of his conditions team witnessed the subsequent release of prisoners on his orders (T. 25).

In August 2014, Respondent Yue was assigned to the 109<sup>th</sup> Precinct's Business Conditions unit (T. 167). During the course of IAB's investigation of Sung, Sergeant Lee identified Respondent Yue as Sung's driver, who also acted as an interpreter between Sung and Person Z, since Respondent Yue spoke English and Mandarin (T. 28-29, 166). Despite Respondent Yue's claim at trial that he was not fluent in Mandarin, he admitted translating for Sung and Person Z on a number of occasions (T. 169-171). Person Z is ethnically Chinese and speaks Fukinese, as well as Mandarin (T. 25-26). Sung is ethnically Korean and speaks both English and Korean (T. 25). Respondent Yue did not participate in the inspection of JJNY on August 30, 2014. He made no report of suspected corruption to IAB or any person in a position of authority in this Department.

On August 6, 2015, a SLA inspection was conducted at Cielo Café ("Cielo"), the former location of JJNY (T. 110). On that date, Sergeant Lee was working as a station sergeant and participated in the inspection of Cielo along with his Conditions team (*Id.*). While Respondent Wong was not a member of the Conditions team, Sung requested that Sergeant Lee add Respondent Wong to his team for the August 6<sup>th</sup> inspection (T. 110-111).

At issue in this case is: (1) whether Respondent Yue had a duty to make a report of possible corruption regarding Sung after he translated a conversation between Sung and Person Z on August 30, 2014; (2) whether Respondent Wong had a duty to make a report of possible corruption regarding Sergeant Lee after Lee directed him to write an incorrect address on a summons on June 17, 2015; and (3) whether Respondent Wong caused a search of Department databases to be conducted which was unrelated to Department business.

I find Sergeant Owens, one of the IAB investigators, to be a disinterested, credible witness who related the investigative steps taken by IAB and described the evidence those steps produced. I further find Sergeant Lee to be a credible witness, with some reservation. While he was entirely correct to report Sung's plan to falsely accuse Deputy Inspector Conforti of a rape, the circumstances under which Sung made such a disclosure to Conforti raise questions about his initial complicity. I will add that none of the findings reached rely solely upon testimony provided by Sergeant Lee.

I find Respondent Yue's testimony before the tribunal to be self-serving and disingenuous. During his direct examination, he attempted to reframe admissions he made during his official Department interview but eventually conceded the truthfulness of those admissions when confronted with them on cross-examination. Respondent Yue equivocated on collateral matters, such as his language ability, and attempted to minimize the significance of material issues, such as his communications with Person Z.

Similarly, I find Respondent Wong's testimony to be self-serving and disingenuous, in that he too sought to minimize his apparently frequent interactions with Person Z, at least once in the company of Sung. I find his testimony attempting to characterize his efforts to obtain information about the whereabouts of Person Z as innocent to be, at best, dubious.

POLICE OFFICER JAMES YUE  
POLICE OFFICER BENHOO WONG

**Respondent James Yue**

**Disciplinary Case No. 2015-14866**

*Specification 1: Criminal Association*

Respondent Yue is charged with knowingly associating with Person Z, who between August 30, 2014 and December 2, 2015, was a person reasonably believed to be engaged in criminal activities. He testified at trial that he first met Person Z while off duty at one of Person Z's karaoke clubs prior to August 30, 2014 (T. 180). Respondent Yue explained that it was common for him to socialize off duty with Sung, including going to JJNY (T. 186). He testified further that they had exchanged cell phone numbers at some point and he "probably text[ed] him once or twice," to ask if a room was available at the club, but did not have contact with him outside of karaoke bars (T. 177, 182). According to Respondent Yue, he was unaware of Pers. Z' previous arrests or convictions (T. 178).

During his official Department interview on December 8, 2015, Respondent Yue asserted that he "may have texted Person Z 'once or twice'" to warn him of the possibility of pending law enforcement inspections (Dept. Ex. 1A at 13:00). In the view of this Tribunal, this duplicitous assertion alone is sufficient to establish that he was aware that Person Z was involved in criminal activity. When this assertion is considered in combination with the evidence showing that Respondent Yue translated a conversation between Sung and Person Z in which Person Z apologized to Sung for drugs being found on the premises of his club during a police enforcement operation contrary to their "understanding," it leaves no doubt that Respondent Yue was aware that the nature of Sung and Person Z's relationship was for Sung to shield Person Z from enforcement of the law; such a relationship only makes sense if the person being shielded is engaged in criminal activity.

Based on a preponderance of the credible, relevant evidence presented before this Tribunal, I find that the Department has established that Respondent Yue knowingly associated with Person Z, a person he reasonably believed to be engaged in, likely to engage in, or to have

POLICE OFFICER JAMES YUE

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engaged in criminal activities (*Disciplinary Case No. 2012-7096 [July 23, 2014]*)[criminal association with an individual he should have reasonably believed was engaged in criminal activity]).

*Specification 2: Failure to Report Corruption*

Respondent Yue is also charged with failing to notify IAB after becoming aware of corruption involving a UMOS (i.e., former Lieutenant Sung) on August 30, 2014.

Sometime after August 30, 2014, Sung and Respondent Yue went to JJNY, while both were off duty. While at JJNY, Respondent Yue translated an apology from Person Z to Sung regarding police inspections (T. 185, 190). At trial, Respondent Yue testified that he speaks English and Cantonese fluently, and though he speaks some Mandarin, he is not fluent (T. 166). He testified on direct examination that he could not recall Sung's response to Person Z's apology and that Sung provided no explanation regarding the context of the apology (T. 176).

On cross-examination, Respondent Yue conceded that during his official Department interview, he told investigators that he was aware of the circumstances surrounding the apology:

DET. DEMONTEA: You guys went over there and met up with Person Z in a room anyd how did the conversation start?

PO YUE: I don't know exact details but to what I could remember it was Person Z telling me to tell Lieutenant Song [sic] that he was sorry for the other night even though that, you know. Lieutenant Song [sic] told him earlier that the police may possibly be checking up the. the bars.

DET. DEMONTEA: Okay and so you translated that information to Lieutenant Song [sic] correct?

PO YUE: Yes.

DET. DEMONTEA: And what was Lieutenant Song's [sic] reply to Person

PO YUE: Lieutenant Song [sic] he basically just said, you know. I told you earlier – it should have been, you know. no incidents to calling on this location.

DET. DEMONTEA: Yes, then what's Person Z's reply?

PO YUE: Person Z told me that he, he checked but there was stuff that he did not see or known of that other parties in the room had.

DET. DEMONTEA: Okay, so you helped to relay that message to Lieutenant Song [*sic*] now what's Song's [*sic*] reply?

PO YUE: Honestly I can't remember exactly.

DET. DEMONTEA: To the best of your remembrance

PO YUE: To what I my remembrance probably somewhere along the lines of. you know, it's okay this time but try not to let it happen again.

DET. DEMONTEA: Okay and what did Person Z say?

PO YUE: Just basic [*sic*] said okay, thank you very much

(T. 193; Dept. Ex 1B, pp. 38-39). Respondent Yue testified further that prior to that evening, he had translated only the exchange of pleasantries between Sung and Person Z (T. 187).

The nature of the conversation set forth above (i.e., a potential criminal subject apologizing to a MOS for contraband being discovered at his place of business in contravention of a previous agreement between them) should have been alarming enough for Respondent Yue to have reported it to IAB. No reasonable MOS, having heard that exchange, would believe that it had an innocent interpretation. The only logical interpretation is that: (1) Person Z was involved in criminal activity; (2) Sung was aware that Person Z was involved in criminal activity; and (3) Sung conspired with Person Z to assist him in avoiding his criminal activity, as it pertained to the karaoke club, being discovered by law enforcement. Moreover, as discussed above in Specification 1, Respondent Yue's concession that he "may have" alerted Person Z to impending law enforcement action makes it more likely that not that he understood the conversation to be evidence of a corrupt relationship between Sung and Person Z, and made a conscious decision not to alert IAB to Sung's possible corruption.

Accordingly, I find that the Department has met its burden of proof by a preponderance of the credible, relevant evidence that Respondent Yue possessed information regarding possible police corruption and did not report it to IAB, as was his duty to do so. I therefore find him Guilty of Specification 2.

**Respondent Benhoo Wong**

**Disciplinary Case No. 2016-10675**

*Specification 3: Wrongful Use of Department Computer*

Respondent Wong is charged with using a Department computer to make an inquiry unrelated to official Department business on June 17, 2015. Sergeant Owens conducted an official Department interview of Respondent Wong on December 9, 2015. During the interview, Respondent Wong admitted that he had conducted computer inquiries regarding Person Z's whereabouts using Department databases. However, when IAB conducted computer checks to see if any members of the Department had attempted to locate Person Z via NYPD computers on June 17, 2015, the results indicated that no one queried Person Z's name on that date (T. 54-55).

Respondent Wong testified that he worked a midnight tour on June 17, 2015, in the 109<sup>th</sup> Precinct (T. 206). At approximately 0900 hours, Respondent Wong, off-duty and already home [REDACTED], received a call from Person X, Person Z's business partner. X was trying to determine Person Z's whereabouts, claiming that he had been missing for four hours and Person X feared that Person Z may have been kidnapped (*Id.*). Person X informed Respondent Wong that he had gone to the 109<sup>th</sup> Precinct and asked the Desk Officer whether Person Z had been arrested but received a negative response (*Id.*). Person X told Respondent Wong that both he and Person Z's wife "had tried everything to find [Person Z]" but could not (T. 207-208). Respondent Wong told Person X that he would go back to the 109<sup>th</sup> Precinct to see if he could find any information on Person Z's whereabouts (T. 208).

Respondent Wong testified that he left his home and returned to 109<sup>th</sup> Precinct between 0900-1000 hours (T. 208). Upon his arrival, he went to the 124 room and asked a PAA to search

the aided and missing person reports for Person Z's name (*Id.*). He also gave the PAA Person Z's Chinese name to search with in Department databases (T. 209). Sometime thereafter, Respondent Wong received a phone call from Person Z's wife stating that she believed Person Z was somewhere in Long Island City based on the GPS of his iPhone (T. 210-211).

When asked on cross-examination if he had personally run a computer check to see if Person Z had been arrested. Respondent Wong replied by saying, "I don't think so" and later clarified that he had not because he was not familiar with the system used in the search (T. 240-241). Respondent Wong admitted that during his official Department interview, he told IAB investigators that he "ran" a search. However, he testified at trial that he when he told investigators he "ran it," he meant that he had asked the PAA to perform the search for him and did not use his own credentials to log into any databases (T. 243).

There is no evidence that Respondent Wong ever contacted, or sought the assistance of, the 109<sup>th</sup> Precinct Detective Squad, the Missing Persons Squad or any person in his chain of command regarding his efforts to ascertain Person Z's whereabouts.

I find that Respondent Wong's defense that he did not conduct the computer searches personally to be unavailing because he admitted to directing the PAAs to conduct the searches.

I therefore find that the Department has met its burden of establishing by a preponderance of the credible, relevant evidence that Respondent Wong caused a Department computer to be used to search a database without any connection to Department business; accordingly, I find him Guilty of Specification 3.

*Specification 1: Making False Entries in Department Records*

Respondent Wong is charged with knowingly preparing a summons which included an incorrect address.

According to Sergeant Lee, Sung had selected Respondent Wong for the purpose of issuing a defective summons at Cielo and informed Lee that "Wong would know what to do" (T. 112)

During the inspection, Sergeant Lee used an audio recording device under the supervision of IAB; the language spoken on the recording was Mandarin (T. 51-52). At some point, Sergeant Lee instructed Respondent Wong to write a summons for Cielo's failure to post a pregnancy warning sign inside the club. Lee asked Respondent Wong, "didn't Lieutenant Wong tell you what to do already?" to which he replied, "Yes" (T. 119). Sergeant Lee then instructed Respondent Wong to write down "147-44 Northern Boulevard," fully aware that it was the wrong address (T. 52-53; Dept. Ex. 4). According to Sergeant Lee, he provided an incorrect address intentionally so that the summons would later be deemed invalid, consistent with Sung's expressed desire that summonses not be issued to the club (T. 53)

Despite this direction, the street address Respondent Wong wrote on the summons was "147-38 Northern Boulevard" (Dept. Ex. 3). The awning outside the club advertising its name, phone number, and address uses "147-36/38" (Resp. Ex. A) According to the New York State Liquor Authority, Cielo had a valid liquor license at the time the summons was issued (T. 47; Dept. Ex. 2) On the liquor license, Cielo's address was listed as 147-36 Northern Boulevard (T. 47; Dept. Ex. 2).

It is undisputed that at the time of the inspection Respondent Wong had not received the training customarily given to officers for working in a Conditions unit and writing SLA summonses (T. 64, 66, 205). Sergeant Owens testified at trial that UMOS preparing a summons at a location as part of a liquor license inspection must refer to the address used on the New York State liquor license posted in the location, and use that address on the summons (T. 48).

Respondent Wong testified at trial that when Sergeant Lee asked him to write a

summons, he responded that he was only at Cielo so that he could translate for Sergeant Lee if needed. According to Respondent Wong, Sergeant Lee responded by saying, "I'm the boss, just do it" (T. 215). Respondent Wong asserted that he asked Sergeant Lee what the address of the location was and Sergeant Lee told him the address was 147-46. Sergeant Lee then asked another officer at the scene for the establishment's address and was told that it was 147-36 (T. 216, 231). Respondent Wong testified that he wrote the address as 147-38 because the location had two addresses and he "thought either one of them is the correct address" (T. 217).

According to Sergeant Lee, Sung informed him prior to the inspection that Respondent Wong had been briefed and "knew what to do." The only evidence that Respondent Wong had such a conversation is Sergeant Lee's testimony. Similarly, assuming such a conversation actually occurred, there is no evidence of its contents.

While the Department argues that Respondent Wong was required to list the address on the summons which appears on the state-issued liquor license, the evidence shows that he disregarded Sergeant Lee's direction and that the address he wrote turned out to be close to the one listed on the liquor license, although it is unclear whether he was aware of that fact at the time he wrote the summons. Thus, the Department has failed to prove by a preponderance of the evidence that Respondent Wong had the corrupt intent to write a defective summons in furtherance of Sung's bribery scheme, as opposed to having made a mistake out of ignorance of the applicable procedures.

Accordingly, I find him Not Guilty of Specification 1.

*Specification 2: Failure to Report Corruption*

Respondent Wong is also charged with failing to notify IAB after becoming aware of corruption involving a UMOS on August 6, 2015. Specifically, the Department alleges that

Respondent Wong failed to notify IAB that Sergeant Lee had instructed him to write the wrong address.

As set forth above in the analysis under Specification 1, there is insufficient credible, relevant evidence in the record which would have imposed a duty upon Respondent Wong to make a report to IAB. While Respondent Wong conceded in his testimony that he heard Sergeant Lee's direction, he also testified that he asked another MOS present at the scene what the address of the establishment was. The evidence permits the tribunal to draw the inference that he did not consider Sergeant Lee's information to be reliable, although the evidence does not explain why he made that determination, assuming he did so. Accordingly, I find him Not Guilty of Specification 2.

## **PENALTY**

In order to determine an appropriate penalty, each Respondent's service record was examined. See Matter of Pell v. Board of Educ., 34 N.Y.2d 222, 240 (1974). Respondent Yue was appointed to the Department on July 10, 2006. Respondent Wong was appointed to the Department on July 6, 2010. Information from their respective personnel records that was considered in making this penalty recommendation is contained in an attached confidential memorandum. Neither Respondent Yue nor Respondent Wong has a prior disciplinary history.

The Department has recommended a penalty of 34 suspension days already served and one year dismissal probation for Respondent Yue. The Department has also recommended a penalty of 30 vacation days, 10 suspension days, and one year dismissal probation for Respondent Wong. I find both penalty recommendations inadequate to address the seriousness of the misconduct established by this record.

Police corruption is anathema to good order, discipline and efficiency in this Department. Any Member of Service who aids criminals in violation of his oath has broken trust with every

other member of this Department. Members of Service also owe a duty of fidelity to the public they serve. The evidence in this case demonstrates beyond any doubt that each Respondent placed the interests of Person Z ahead of that duty.

Prior Department precedent is inapplicable to Respondent Yue's criminal association, as the most serious cases addressed situations where respondents continued ongoing associations with persons whom they had been advised were involved with criminal activity and ordered to stay away from (*Disciplinary Case No. 2014-11964* [November 20, 2015])[Nineteen-year police officer with no prior formal disciplinary record forfeited 30 vacation days and was placed on one-year dismissal probation after pleading guilty to associating with a known felon (her boyfriend) and for failing to subsequently follow an order from an IAB sergeant to cease all communications with him]; *Disciplinary Case No. 2013-10266* [November 20, 2015][Ten-year police officer with no prior formal disciplinary record forfeited 30 vacation days and was placed on one-year dismissal probation after pleading guilty to associating with a known criminal despite being instructed by an IAB lieutenant not to do so. Evidence established 55 telephone communications in a one-month period and in-person visits]; *Disciplinary Case No. 2013-10268* [May 13, 2015][Twenty-seven-year police officer with two prior adjudications forfeited 30 vacation days and was placed on one year dismissal probation after a mitigation hearing for knowingly associating with a convicted felon, even after being ordered to discontinue the relationship. The felon was Respondent's mentor in the world of pigeon racing]).

In this case, Respondent Yue chose to facilitate a bribery scheme which was to the mutual benefit of former-Lieutenant Sung and Person Z, then remained silent about it. This was not a passive criminal association. In fact, he admitted in his official Department interview to passing information on several occasions to Person Z to provide advance warning of police enforcement actions. In sum, this criminal association was particularly egregious because it resulted in

actions that could have endangered other police officers. There is no evidence of mitigation present in this record as was present in the precedents cited above. Because of the actions to which Respondent Yue admitted, he can longer be trusted to act with honesty and integrity. rendering him unsuitable for continued service in this Department.

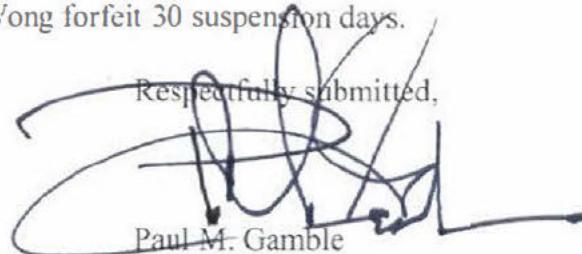
Respondent Wong chose to act as a private investigator while using Department resources when Person Z's business partner raised the specter of Person Z being kidnapped. Instead of directing Person X to either the 109<sup>th</sup> Precinct Detective Squad or the Missing Persons Squad, who are trained and authorized to conduct such investigations, Respondent Wong drove back to the 109<sup>th</sup> Precinct at 0900 hours after just returning home from working a midnight tour. The circumstances of his return to his precinct strongly suggest a wrongful motivation of a personal nature, rather than diligence in performing his police duties. The circumstances also raise legitimate questions about Respondent Wong's trustworthiness and judgment which cannot easily be resolved.

For example, during the conversation Respondent Wong had with Person X asserted that he had already put this Department on notice that Person Z was unaccounted for. If Respondent Wong truly believed that Person Z may have been kidnapped, he surely would have realized that time was of the essence, yet there is no evidence that he sought to bring to bear the resources of this Department in an attempt to locate Person Z without delay. A simple phone call to the Desk Officer may have been sufficient to activate the necessary investigative assets; instead, he returned to the 109<sup>th</sup> Precinct on his own volition. He conducted his own investigation, without authorization from his chain of command, while time ticked away. While there is insufficient evidence to render a finding on what Respondent Wong's state of mind was at that time, the counterintuitive manner in which he went about providing assistance to Person X/Person Z strongly suggest that he was not it had nothing to do with a public safety/law enforcement purpose.

There is no evidence of mitigation present which would permit the Tribunal to characterize Respondent Wong's actions as a misguided attempt to assist a delinquent family member or childhood friend, circumstances which have been present in other computer misuse cases (*Disciplinary Case No. 2016-15188* [January 23, 2017]; *Disciplinary Case No. 2014-11843* [November 10, 2015]).

Under the circumstances presented in this case, it is difficult to envision how even a severe penalty, coupled with a period of monitoring, will permit Respondent Yue to regain the trust of his fellow police officers; I therefore recommend that he be DISMISSED from this Department.

While Respondent Wong's misconduct in this case clearly places his integrity in question, the misconduct does not rise to a level calling for outright termination. Accordingly, I recommend that Respondent Wong be DISMISSED from the New York City Police Department but that his dismissal be held in abeyance for a period of one year pursuant to Section 14-115(d) of the Administrative Code, during which time he remains on the force at the Police Commissioner's discretion and may be terminated at any time without further proceedings. In addition, I recommend that Respondent Wong forfeit 30 suspension days.

Respectfully submitted,  
  
Paul M. Gamble  
Assistant Deputy Commissioner Trials

**APPROVED**

MAR 31 2019  
  
JAMES P. O'NEILL  
POLICE COMMISSIONER



POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials

To: Police Commissioner

Subject: CONFIDENTIAL MEMORANDUM  
POLICE OFFICER JAMES YUE  
TAX REGISTRY NO. 942736  
DISCIPLINARY CASE NO. 2015-14866

Respondent was appointed to the Department on July 10, 2006. On his last three annual performance evaluations, he received overall ratings of 4.0 "Highly Competent." [REDACTED]

Respondent has no formal disciplinary history. In connection with the charged misconduct, Respondent was suspended from December 9, 2015, to January 11, 2016, and subsequently placed on modified assignment. He also was placed on Level I Discipline Monitoring on March 23, 2016; that monitoring remains ongoing.

For your consideration.

Paul M. Gamble  
Assistant Deputy Commissioner Trials



POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials  
To: Police Commissioner  
Subject: CONFIDENTIAL MEMORANDUM  
POLICE OFFICER BENHOO WONG  
TAX REGISTRY NO. 949807  
DISCIPLINARY CASE NO. 2016-16075

Respondent was appointed to the Department on July 6, 2010. On his last three annual performance evaluations, he received an overall rating of 3.0 "Competent" for 2016, a 3.5 rating of "Highly Competent/Competent" for 2015 and a 4.0 rating of "Highly Competent" for 2014.

Respondent has no formal disciplinary history. In connection with the instant matter, Respondent has been on modified assignment since December 9, 2015. He was also placed on Level II Discipline Monitoring on March 23, 2016; that monitoring remains ongoing.

For your consideration.

Paul M. Gamble  
Assistant Deputy Commissioner Trials